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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/760,320

01/21/2004

Takao Isogai

084335-0181

7661

22428 7590 01/30/2007
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

MARTINELL, JAMES

ART UNIT

PAPER NUMBER

1634

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|-----------|---------------|
|--|-----------|---------------|

3 MONTHS

01/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/760,320

Applicant(s)

ISOGAI ET AL.

Examiner

James Martinell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 5-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GenBank® Accession No. AC008736 (September 27, 2000). GenBank® Accession No. AC008736 has 92.7% sequence identity to SEQ ID NO: 102 (see the alignment below). Thus, GenBank® Accession No. AC008736 is embraced by the claims (*e.g.*, see Claim 1(f) and (g)). Since the DNA was sequenced, it was necessarily contained within a vector and host cell. This rejection is repeated for reasons already of record (*e.g.*, Office action mailed June 2, 2006, pages 5-10). Applicants' arguments (response filed October 25, 2006, pages 10-11) are most unconvincing. SEQ ID NO: 2290 is encoded by nucleotides 858-1562 of SEQ ID NO: 102 (see the alignment below). GenBank® Accession No. AC008736 matches SEQ ID NO: 102, nucleotides 858-1562 except for one mismatch at nucleotide 1187 in SEQ ID NO: 102 (see the alignment below). SEQ ID NO: 102, nucleotides 1185-1187 (cga) encode arginine as do GenBank® Accession No. AC008736, nucleotides 128,245-128,247 (cgg). Thus, the nucleic acid of GenBank® Accession No. AC008736 is embraced by the claims. Watson et al (*The DNA Story*, 1981 W.H. Freeman and Company, New York, page 547) is cited here to show that both cga and cgg encode arginine.

RESULT 3
AC008736/c
LOCUS AC008736 191925 bp DNA linear PRI 27-SEP-2000
DEFINITION Homo sapiens chromosome 19 clone CTD-2538C1, complete sequence.
ACCESSION AC008736
VERSION AC008736.6 GI:10312244
KEYWORDS HTG.
SOURCE Homo sapiens (human)
ORGANISM Homo sapiens
Eukaryota; Metazoa; Chordata; Craniata; Vertebrata; Euteleostomi;
Mammalia; Eutheria; Euarchontoglires; Primates; Catarrhini;
Hominidae; Homo.
REFERENCE 1 (bases 1 to 191925)
AUTHORS DOE Joint Genome Institute and Stanford Human Genome Center.
TITLE Direct Submission
JOURNAL Unpublished
REFERENCE 2 (bases 1 to 191925)
AUTHORS DOE Joint Genome Institute.
TITLE Direct Submission
JOURNAL Submitted (03-AUG-1999) Production Sequencing Facility, DOE Joint

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REFERENCE 3 (bases 1 to 191925)
AUTHORS DOE Joint Genome Institute and Stanford Human Genome Center.
TITLE Direct Submission
JOURNAL Submitted (27-SEP-2000) DOE Joint Genome Institute, 2800 Mitchell Drive, Walnut Creek, CA 94598, USA
COMMENT On Sep 27, 2000 this sequence version replaced gi:8575905.
Draft Sequence Produced by DOE Joint Genome Institute
www.jgi.doe.gov
Finishing Completed at Stanford Human Genome Center.
www-shgc.stanford.edu
Quality: Phrap Quality >=40 99.9% of Sequence;
Estimated Total Number of Errors is 0.1.
STS Content:
SHGC-57769 G37408.

FEATURES Location/Qualifiers
source 1. .191925
/organism="Homo sapiens"
/mol_type="genomic DNA"
/db_xref="taxon:9606"
/chromosome="19"
/clone="CTD-2538C1"

ORIGIN

Query Match 92.7%; Score 2892.8; DB 8; Length 191925;
Best Local Similarity 99.9%; Pred. No. 0;
Matches 2894; Conservative 0; Mismatches 2; Indels 0; Gaps 0;

Qy 1 ACTAGAGGTGGGGTTAGCGCTTGAAGCACCGACCAACGTGAGCGCAACGCGGCAGGGAC 60
|||||
Db 129460 ACTAGAGGTGGGGTTAGCGCTTGAAGCACCGACCAACGTGAGCGCAACGCGGCAGGGAC 129401

Qy 61 ACCTGACCCCGGCGGCCAGCCCTCGGATTGCCAGTCACTGCTCGCTTTGGGGCAGC 120
|||||
Db 129400 ACCTGACCCCGGCGGCCAGCCCTCGGATTGCCAGTCACTGCTCGCTTTGGGGCAGC 129341

Qy 121 GAGGTGCCCAGTCCTGCGGGGCACCCGACGTCCTGTGCGCCGACAGGGTCCGGGAGTCAGT 180
|||||
Db 129340 GAGGTGCCCAGTCCTGCGGGGCACCCGACGTCCTGTGCGCCGACAGGGTCCGGGAGTCAGT 129281

Qy 181 ATAGCTGGGTTCTAGTCCCATCACAGGCAAAAACCTCCGCGGGAGCCTGGCCCGCTTTT 240
|||||
Db 129280 ATAGCTGGGTTCTAGTCCCATCACAGGCAAAAACCTCCGCGGGAGCCTGGCCCGCTTTT 129221

Qy 241 CCTGGGCCTCAGTTTCCCATCCGTAAAATAGAACGGGTTGGATCTCCCGAGCGCTAACA 300
|||||
Db 129220 CCTGGGCCTCAGTTTCCCATCCGTAAAATAGAACGGGTTGGATCTCCCGAGCGCTAACA 129161

Qy 301 TTCCAGAACTCGGATGGGGCGAAGGGGAGGGAGGGATGGGCCACCCACACGTGACCTCCC 360
|||||
Db 129160 TTCCAGAACTCGGATGGGGCGAAGGGGAGGGAGGGATGGGCCACCCACACGTGACCTCCC 129101

Qy 361 CGCGTGGAGCCCCGCCTACCACTGATCCAGGGGGTGGCAGCTCCGGCCGGGACGAGCGGG 420
|||||
Db 129100 CGCGTGGAGCCCCGCCTACCACTGATCCAGGGGGTGGCAGCTCCGGCCGGGACGAGCGGG 129041

Qy 421 GTGGGCGGGTCTAGGAAACCCTACCCGGCCGCCCTTGGCAGCGCCTAAGGCGGAGCGCG 480
|||||
Db 129040 GTGGGCGGGTCTAGGAAACCCTACCCGGCCGCCCTTGGCAGCGCCTAAGGCGGAGCGCG 128981

| | | | |
|----|--------|---|--------|
| Qy | 481 | CGGCTCTGCAGCCTGCTTGCCCCGGAGTTGGCACCCACGGAGGATGGGGACCGCACCCCTC | 540 |
| Db | 128980 | CGGCTCTGCAGCCTGCTTGCCCCGGAGTTGGCACCCACGGAGGATGGGGACCGCACCCCTC | 128921 |
| Qy | 541 | AGCTTCGCAGGGAGCCACCGTGGAGGCCAGGGCGGTGCAGAGACACGACGTGTGACTCGG | 600 |
| Db | 128920 | AGCTTCGCAGGGAGCCACCGTGGAGGCCAGGGCGGTGCAGAGACACGACGTGTGACTCGG | 128861 |
| Qy | 601 | AGTGCGCCTGGGGAGGATGGACGAGGGAGCGGGGACCGCTAACGGGGCTCCCTCTGCGC | 660 |
| Db | 128860 | AGTGCGCCTGGGGAGGATGGACGAGGGAGCGGGGACCGCTAACGGGGCTCCCTCTGCGC | 128801 |
| Qy | 661 | GCCCCGTCCGCAGAGGCGCACGTCGAGGGTCCCGGGCGGGCTCCGTGGACGTTGGCGGTA | 720 |
| Db | 128800 | GCCCCGTCCGCAGAGGCGCACGTCGAGGGTCCCGGGCGGGCTCCGTGGACGTTGGCGGTA | 128741 |
| Qy | 721 | GCGCCGAGCGAGTACGGACCATGAAGAGCGTTCGTGCCGCGCGGCCCAAGGCCGGGATG | 780 |
| Db | 128740 | GCGCCGAGCGAGTACGGACCATGAAGAGCGTTCGTGCCGCGCGGCCCAAGGCCGGGATG | 128681 |
| Qy | 781 | GGGGTTAGCCACATCCTGCCGCGCTGAGGGGGAGGCTAACGGGCGCGGGCGGCCGGGCC | 840 |
| Db | 128680 | GGGGTTAGCCACATCCTGCCGCGCTGAGGGGGAGGCTAACGGGCGCGGGCGGCCGGGCC | 128621 |
| Qy | 841 | AGCCGGAGCCCACCGCGATGGCGAGGGAGGAGTGCAAGGCGCTGCTGGACGGGCTCAACA | 900 |
| Db | 128620 | AGCCGGAGCCCACCGCGATGGCGAGGGAGGAGTGCAAGGCGCTGCTGGACGGGCTCAACA | 128561 |
| Qy | 901 | AGACGACTGCGTGCTACCACCACCTGGTGCTGACCGTCGGTGGCTCGGCGGACTCGCAGA | 960 |
| Db | 128560 | AGACGACTGCGTGCTACCACCACCTGGTGCTGACCGTCGGTGGCTCGGCGGACTCGCAGA | 128501 |
| Qy | 961 | ACCTGCGGCAGGAGCTGCAAAAGACGCGCCAGAAGGCGCAGGAGCTGGCGGTGTCCACCT | 1020 |
| Db | 128500 | ACCTGCGGCAGGAGCTGCAAAAGACGCGCCAGAAGGCGCAGGAGCTGGCGGTGTCCACCT | 128441 |
| Qy | 1021 | GCGCCCGGCTGACTGCTGTGCTGCGCGACCGGGGCTGGCCGCCGACGAGCGCGCCGAGT | 1080 |
| Db | 128440 | GCGCCCGGCTGACTGCTGTGCTGCGCGACCGGGGCTGGCCGCCGACGAGCGCGCCGAGT | 128381 |
| Qy | 1081 | TCGAGCGGCTCTGGGTGGCCTTCTCGGGCTGCCTGGACCTGCTGGAAGCGGACATGCGAC | 1140 |
| Db | 128380 | TCGAGCGGCTCTGGGTGGCCTTCTCGGGCTGCCTGGACCTGCTGGAAGCGGACATGCGAC | 128321 |
| Qy | 1141 | GCTCGCTGGAGCTGGGCGCCGCGTTCCCGCTGCACGCGCCGCGGCGACCGCTGGTGCGCA | 1200 |
| Db | 128320 | GCTCGCTGGAGCTGGGCGCCGCGTTCCCGCTGCACGCGCCGCGGCGGCGCGCTGGTGCGCA | 128261 |
| Qy | 1201 | CAGGTGTGGCTGGCGCCTCCTCCGGCGTGGCGGCGCGCGCGCTGAGCACCCGCAGCCTGC | 1260 |
| Db | 128260 | CAGGTGTGGCTGGCGCCTCCTCCGGCGTGGCGGCGCGCGCGCTGAGCACCCGCAGCCTGC | 128201 |
| Qy | 1261 | GGCTCGAGGCGGAGGGCGACTTCGACGTCGCGGACCTGCGGGAGCTGGAGCGCGAGGTCC | 1320 |
| Db | 128200 | GGCTCGAGGCGGAGGGCGACTTCGACGTCGCGGACCTGCGGGAGCTGGAGCGCGAGGTCC | 128141 |
| Qy | 1321 | TTCAGGTGGGCGAGATGATCGACAACATGGAGATGAAGGTCAACGTGCCCCGCTGGACCG | 1380 |
| Db | 128140 | TTCAGGTGGGCGAGATGATCGACAACATGGAGATGAAGGTCAACGTGCCCCGCTGGACCG | 128081 |

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Qy 1381 TGCAAGCCCGGCAGGCGGCGGGCGCCGAGCTCCTGTCCACGGTCAGCGCCGGCCCCCTCCT 1440
|||||
Db 128080 TGCAAGCCCGGCAGGCGGCGGGCGCCGAGCTCCTGTCCACGGTCAGCGCCGGCCCCCTCCT 128021
Qy 1441 CGGTCGTGTCTTGCAGGAGCGCGGGGGGGTGTGCACCCAGGAAGGCCCTGGCCGCCA 1500
|||||
Db 128020 CGGTCGTGTCTTGCAGGAGCGCGGGGGGGTGTGCACCCAGGAAGGCCCTGGCCGCCA 127961
Qy 1501 TCCTTTTCGGCGCCGTGTGCTGGCGGCTGTGGCCCTAGCCGTGTGCGTGGCGAAGCTGA 1560
|||||
Db 127960 TCCTTTTCGGCGCCGTGTGCTGGCGGCTGTGGCCCTAGCCGTGTGCGTGGCGAAGCTGA 127901
Qy 1561 GCTGACAGACACCCGACGCGCCGCTGTGCTGCCGCTCCCTCCCCTGAGAAAAGACTCGG 1620
|||||
Db 127900 GCTGACAGACACCCGACGCGCCGCTGTGCTGCCGCTCCCTCCCCTGAGAAAAGACTCGG 127841
Qy 1621 GATGGGTGTGGGGTCTGGCCTGTGCAAGGGGAGTGGTCCTAAACCCCGTGTGTGCATGG 1680
|||||
Db 127840 GATGGGTGTGGGGTCTGGCCTGTGCAAGGGGAGTGGTCCTAAACCCCGTGTGTGCATGG 127781
Qy 1681 GTACACGCGCGTTTCCAGTGCACATCTGCCTGGGCAGGACACGGTTTTCTCTTGCTGGC 1740
|||||
Db 127780 GTACACGCGCGTTTCCAGTGCACATCTGCCTGGGCAGGACACGGTTTTCTCTTGCTGGC 127721
Qy 1741 CCGGGAGAAGTTAACTTTGCGCCGGCCGTGAGGGCATTACCGCTAACGTCTGCAGGAGCT 1800
|||||
Db 127720 CCGGGAGAAGTTAACTTTGCGCCGGCCGTGAGGGCATTACCGCTAACGTCTGCAGGAGCT 127661
Qy 1801 TTATTCCCTATTAATAGAAAACCGTCACAGTGACCCTAGATCCCTCCGAGTTAATGAGTT 1860
|||||
Db 127660 TTATTCCCTATTAATAGAAAACCGTCACAGTGACCCTAGATCCCTCCGAGTTAATGAGTT 127601
Qy 1861 AACACATGTGCTGTTGGGGCGTCTTTACAGGGAGTCCGAGTTCGGTGCCACCCCTGCCA 1920
|||||
Db 127600 AACACATGTGCTGTTGGGGCGTCTTTACAGGGAGTCCGAGTTCGGTGCCACCCCTGCCA 127541
Qy 1921 GCGTCGCCCCCTTTCTGCGTGGGACAGTTTGAAAAGGTGGGTGGGTGGAGTGAAGTTTG 1980
|||||
Db 127540 GCGTCGCCCCCTTTCTGCGTGGGACAGTTTGAAAAGGTGGGTGGGTGGAGTGAAGTTTG 127481
Qy 1981 GAGAGGGACGCTGTTTGGTTCTATGTGGTTGGTCTGTTTCCCGGACAAGAAAAATTGCAA 2040
|||||
Db 127480 GAGAGGGACGCTGTTTGGTTCTATGTGGTTGGTCTGTTTCCCGGACAAGAAAAATTGCAA 127421
Qy 2041 TCAAATGTCAGCAGCTTTTATTACCTTAATCTTTCAGGGCCTAAATTTAGGAGAGTGTCC 2100
|||||
Db 127420 TCAAATGTCAGCAGCTTTTATTACCTTAATCTTTCAGGGCCTAAATTTAGGAGAGTGTCC 127361
Qy 2101 TGAGAGCAGTTCATACAAAGGGCTTTCTCTAAGACGCGCTACAGCCCTTCCTAGCAGAGT 2160
|||||
Db 127360 TGAGAGCAGTTCATACAAAGGGCTTTCTCTAAGACGCGCTACAGCCCTTCCTAGCAGAGT 127301
Qy 2161 TTATCCATTTCGTCCCCAAGAGCAGCTAGAAGAGATTTGAGGTCATGACCTCCCACTGCCG 2220
|||||
Db 127300 TTATCCATTTCGTCCCCAAGAGCAGCTAGAAGAGATTTGAGGTCATGACCTCCCACTGCCG 127241
Qy 2221 CTCAGGGGCTGACCCTATTTAGGAAACCAAAGAGGGTGGGTGGAACCTACTCTCACGGAC 2280
|||||
Db 127240 CTCAGGGGCTGACCCTATTTAGGAAACCAAAGAGGGTGGGTGGAACCTACTCTCACGGAC 127181

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Qy      2281 TTGGATCCAGTGCGCACACTTGCTGCGGAAAAGGGCTCTCCCAGCCACCCGGAGATGG 2340
          |||
Db      127180 TTGGATCCAGTGCGCACACTTGCTGCGGAAAAGGGCTCTCCCAGCCACCCGGAGATGG 127121

Qy      2341 GGGTAAGAGGAAGAGCAGAGGCTTGGGGTAGGGCCACCTGGTGTTTAAACAGGCACTTTC 2400
          |||
Db      127120 GGGTAAGAGGAAGAGCAGAGGCTTGGGGTAGGGCCACCTGGTGTTTAAACAGGCACTTTC 127061

Qy      2401 TCCTTCTCTGGGGCTTATTTTGTTCAGAACTAGACCAGAGTGTTTGAACCTCCTTTGCA 2460
          |||
Db      127060 TCCTTCTCTGGGGCTTATTTTGTTCAGAACTAGACCAGAGTGTTTGAACCTCCTTTGCA 127001

Qy      2461 GGAGGGCTGGGAATCCTCTTTAGAGCACTTAATCCTATTTATCCCCTGGAATGTGCGTGC 2520
          |||
Db      127000 GGAGGGCTGGGAATCCTCTTTAGAGCACTTAATCCTATTTATCCCCTGGAATGTGCGTGC 126941

Qy      2521 TGGCCAGTAGGAGGGCTGGCTTTGGCAGCTCCCTGACCCCGCGCTGCCCGCCCCTCCGG 2580
          |||
Db      126940 TGGCCAGTAGGAGGGCTGGCTTTGGCAGCTCCCTGACCCCGCGCTGCCCGCCCCTCCGG 126881

Qy      2581 GGTAATGTGGCATTACTGGCCACAGAGGTTTGTAGCCAATCAGCTCTGAGACTGGGTTA 2640
          |||
Db      126880 GGTAATGTGGCATTACTGGCCACAGAGGTTTGTAGCCAATCAGCTCTGAGACTGGGTTA 126821

Qy      2641 GAATGTAACAGCTTTAACTTGGGATTTAAGAAGCTTTTAAAAGGTAATAATCCTCTGAAA 2700
          |||
Db      126820 GAATGTAACAGCTTTAACTTGGGATTTAAGAAGCTTTTAAAAGGTAATAATCCTCTGAAA 126761

Qy      2701 GAAAAATGACGTAACCACAGCGTGACTATGAAAGCTGTTATTTTAATAAAGAACGCTGG 2760
          |||
Db      126760 GAAAAATGACGTAACCACAGCGTGACTATGAAAGCTGTTATTTTAATAAAGAACGCTGG 126701

Qy      2761 GCCATGAACTCATACCTGCCAATGAGTCAAACATAGTATCTTTATGTAGATACTTAGATT 2820
          |||
Db      126700 GCCATGAACTCATACCTGCCAATGAGTCAAACATAGTATCTTTATGTAGATACTTAGATT 126641

Qy      2821 ACTAAATATATATTTTCATCTACTTCTGAAGTTGATAGTCTTCCCCCCCCCCCCACTTTTT 2880
          |||
Db      126640 ACTAAATATATATTTTCATCTACTTCTGAAGTTGATAGTCTTCCCCCCCCCCCCACTTTTT 126581

Qy      2881 TCTTTTTTTGAGGCAGG 2896
          |||
Db      126580 TCTTTTTTTGAGACAGG 126565

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Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over GenBank® Accession No. AC008736 (September 27, 2000) in view of applicants' admitted state of the prior art (*e.g.*, page 82, first full paragraph). GenBank® Accession No. AC008736 has 92.7% sequence identity to SEQ ID NO: 102. Applicants acknowledge the expression of nucleic acids in heterologous host cells to be old (*e.g.*, instant application at page 82, first full paragraph). It would have been obvious for one of ordinary skill in the

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art at the time the invention was made to express the nucleic acid of GenBank® Accession No. AC008736 in the admittedly old manner in order to produce large amounts of sequence-specific polypeptide. This rejection is repeated for reasons already of record (*e.g.*, Office action mailed June 2, 2006, page 10). The discussion in the rejection under 35 U.S.C. § 102(b) is incorporated here.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Martinell whose telephone number is (571) 272-0719.

The examiner works a flexible schedule and can be reached by phone and voice mail. Alternatively, a request for a return telephone call may be e-mailed to james.martinell@uspto.gov. Since e-mail communications may not be secure, it is suggested that information in such requests be limited to name, phone number, and the best time to return the call.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on (571) 272-0735.

OFFICIAL FAX NUMBER

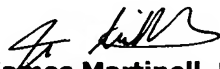
The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any Official Communication to the USPTO should be faxed to this number.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.


James Martinell, Ph.D.
Primary Examiner
Art Unit 1634

1/16/07